

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

VINCENT E. ZIRKER,  
Petitioner.

RECEIVED  
IN CLERK'S OFFICE

Case No: 3:09-cv-00403  
Judge Haynes, Jr.

v.

OCT 18 2010

UNITED STATES OF AMERICA, U.S. DISTRICT COURT  
Respondent. MID. DIST. TENN.

REQUEST TO NUNC PRO TUNC THE ORIGINAL FILING DATE  
BACK TO THE MOTION FOR DISCOVERY AND REQUEST FOR  
COUNSEL TO CONDUCT DISCOVERY PURSUANT TO FED. R.  
CIV. P. & HABEAS RULE 6(a).

*ORDER*  
*This motion*  
*is DENIED*  
*without prejudice*  
*to be filed by*  
*Petitioner's*  
*counsel.*  
*Will go*  
*MSD*  
*3-7-11*

PETITIONER, Vincent E. Zirker, pro se, and ask this honorable court to grant discovery request pursuant to Habeas Rule 6(a), and Nunc Pro Tunc this filing back to the original filing date and ruling granting discovery and a attorney pursuant to 18 U.S.C. § 3006A. Petitioner also ask this court to contrue this motion liberally than and attorney pursuant to Haines v. Kerner, 404 US 519(1972).

FACTS

Petitioner state he requested discovery in 2009, the court denied the motion and granted an attorney pursuant to 18 U.S.C. § 3006A, and ordered discovery to be granted. Petitioner state that he requested and docket sheet for the case number listed above. Petitioner state that he was unaware that counsel Mr. Edwards and Mr. Smith had been ordered to respond to the Inneff-ective Assistance Counsel claims petitioner argued in his § 2255, Motion To Vacate, Set Aside, Or Correct Sentence. Petitioner state that he reviewed the docket sheet and saw an entry for Declaration for Mr. Edwards and Mr. Smith dated for 10-22-09, for which he requested for copies of their declarations. Petitioner state that he have just received the declarations from his att-orney dated 10-22-09, and a letter dated September 23, 2010, petitioner re-ceived the declarations marked legal mail on October 5, 2010, almost a year